

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re

SEARS HOLDINGS CORPORATION, *et al.*,

Debtors.¹

Chapter 11

Case No. 18-23538 (RDD)

(Jointly Administered)

**ORDER DENYING MOTION OF MOAC MALL HOLDINGS LLC (I) FOR A STAY
PENDING APPEAL; AND (II) TO EXPEDITE TRANSMITTAL OF RECORD ON
APPEAL TO DISTRICT COURT**

Upon MOAC Mall Holdings LLC's *Motion of MOAC Mall Holdings LLC (I) for a Stay Pending Appeal; and (II) to Expedite Transmittal of Record on Appeal to District Court* (ECF Nos. 5083 and 5110) (the "Motion") for a stay of the *Order (I) Authorizing Assumption and Assignment of Lease With MOAC Mall Holdings LLC and (II) Granting Related Relief* (ECF No. 5074) ("Assumption and Assignment Order") pending appeal of the Assumption and Assignment Order, to expedite the transmittal of the record on appeal, and alternatively, for an extension of the mootness stay; and Transform Holdco LLC, for itself and on behalf of its affiliate Transform

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are as follows: Sears Holdings Corporation (0798); Kmart Holding Corporation (3116); Kmart Operations LLC (6546); Sears Operations LLC (4331); Sears, Roebuck and Co. (0680); ServiceLive Inc. (6774); SHC Licensed Business LLC (3718); A&E Factory Service, LLC (6695); A&E Home Delivery, LLC (0205); A&E Lawn & Garden, LLC (5028); A&E Signature Service, LLC (0204); FBA Holdings Inc. (6537); Innovel Solutions, Inc. (7180); Kmart Corporation (9500); MaxServ, Inc. (7626); Private Brands, Ltd. (4022); Sears Development Co. (6028); Sears Holdings Management Corporation (2148); Sears Home & Business Franchises, Inc. (6742); Sears Home Improvement Products, Inc. (8591); Sears Insurance Services, L.L.C. (7182); Sears Procurement Services, Inc. (2859); Sears Protection Company (1250); Sears Protection Company (PR) Inc. (4861); Sears Roebuck Acceptance Corp. (0535); Sears, Roebuck de Puerto Rico, Inc. (3626); SYW Relay LLC (1870); Wally Labs LLC (None); SHC Promotions LLC (9626); Big Beaver of Florida Development, LLC (None); California Builder Appliances, Inc. (6327); Florida Builder Appliances, Inc. (9133); KBL Holding Inc. (1295); KLC, Inc. (0839); Kmart of Michigan, Inc. (1696); Kmart of Washington LLC (8898); Kmart Stores of Illinois LLC (8897); Kmart Stores of Texas LLC (8915); MyGofer LLC (5531); Sears Brands Business Unit Corporation (4658); Sears Holdings Publishing Company, LLC. (5554); Sears Protection Company (Florida), L.L.C. (4239); SHC Desert Springs, LLC (None); SOE, Inc. (9616); StarWest, LLC (5379); STI Merchandising, Inc. (0188); Troy Coolidge No. 13, LLC (None); BlueLight.com, Inc. (7034); Sears Brands, L.L.C. (4664); Sears Buying Services, Inc. (6533); Kmart.com LLC (9022); Sears Brands Management Corporation (5365); and SRe Holding Corporation (4816). The location of the Debtors' corporate headquarters is 3333 Beverly Road, Hoffman Estates, Illinois 60179.

Leaseco LLC, having filed *Transform Holdco LLC's Objection to Motion of MOAC Mall Holdings LLC (I) for a Stay Pending Appeal; and (II) to Expedite Transmittal of Record on Appeal to District Court* (ECF No. 5152) (the “**Objection**”); and the Court having jurisdiction to consider the Motion and the Objection pursuant to 28 U.S.C. §§ 157(a)-(b) and 1334(b); and the Court having held a hearing on the Motion and the Objection on September 18, 2019 (the “**Hearing**”); and upon the record of and representations made at the Hearing; and, after due deliberation and for the reasons stated by the Court at the Hearing, the Court having determined that MOAC Mall Holdings LLC has not carried its burden to obtain the requested stay and that there is an insufficient basis to direct expedited treatment of its appeal, it is hereby

ORDERED that the Motion is denied; and it is further

ORDERED that the Assumption and Assignment Order shall be immediately enforceable and effective as of its entry on September 5, 2019.

Dated: White Plains, New York
September 26, 2019

/s/Robert D. Drain
UNITED STATES BANKRUPTCY JUDGE